

Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
January 22, 2008 - 7:00 p.m.

Present:	Mayor:	Joe L. Johnson
	Council Members:	Beth Holbrook, John Marc Knight, R. Fred Moss, Scott Myers and Tom Tolman
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	Admin. Services Dir.:	Galen Rasmussen
	Planning Director:	Aric Jensen
	Department Repre:	Gary Blowers, Streets/Sanitation Allen Johnson, Power Tom Ross, Police Jerry Wilson, Parks/Cemetery
	Recording Secretary:	Nancy T. Lawrence

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in attendance. Ty Pack, visiting Boy Scout, led the pledge of allegiance to the flag and Councilwoman Holbrook offered the prayer/thought.

#### **APPROVAL OF MINUTES**

Minutes of the Special City Council meeting held January 7, 2008 were presented and unanimously approved as written on a motion made by Councilwoman Holbrook and seconded by Councilman Tolman. Councilpersons Holbrook, Knight, Myers, Moss and Tolman voted "aye". Minutes of the regular City Council meeting held January 8, 2008 will be presented for approval at the next regular meeting.

#### **EXPENDITURES AND EXPENSES APPROVED**

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods, with respective totals: December 27 - January 2, 2008 (\$337,898.55), January 3 - 9, 2008 (\$922,670.03) and the Summary for December 2007 totaling \$3,647,790.93. Following a brief discussion Councilman Moss made a motion to approve the expenditure reports, as presented. Councilman Myers seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Myers, Moss and Tolman voted "aye".

#### **SOUTH DAVIS TRANSIT - PROJECT UPDATE PRESENTATION**

Robin Hutchinson and Kerry Doane, representing UTA, were in attendance to give an update on the progress of the transit system for South Davis county. Ms. Hutchinson reported on the phases of the study on transit options for the South Davis area – the purpose and need, available transit alternatives, levels of community outreach and the relationship between north/south options and east/west connectivity. The Locally Preferred Alternative is a north/south rail from Salt Lake

1 City to Parrish Lane which basically follows Highway 89/SR-106 and ties to the commuter rail  
2 station in Farmington via enhanced bus service. The alternatives analysis will be available on the  
3 internet by February, 2008. Councilman Moss asked where these projects fit on the Wasatch Front  
4 Regional Council transportation plan and it was noted, that although the rail system is not on the  
5 WFRM map, the needs of South Davis county are being recognized and with community support  
6 and money to help fund the project, hopefully the locally preferred UTA alternative can be  
7 accomplished. Mr. Rowland noted that he and Mr. Jensen have been involved in looking at  
8 alternative routes and the Mayor stated that he feels the City has a good working relationship with  
9 UTA and UDOT.

#### 10 11 **REPORT ON YOUTH CITY COUNCIL**

12 Lauren Nick, Youth City Manager, and Brooke Foster, Social Chairman, were in attendance  
13 and reported on the purpose and function of the Youth City Council in getting youth involved in the  
14 community. The Youth Council will participate in the ULCT activities on January 23<sup>rd</sup> and will  
15 have the annual training conference at USU March 13-15, 2008. The citizen group focused on  
16 voluntary curbside recycling will speak to the Youth Council on January 30<sup>th</sup>. Councilman Knight  
17 indicated that the Youth Council is a great group of young people and he is excited to have the  
18 opportunity to work with them.

#### 19 20 **UPDATE REPORT FROM MOSQUITO ABATEMENT DISTRICT -** 21 **DUANE GARDNER AND GARY HATCH**

22 Duane Gardner, Bountiful's representative on the Mosquito Abatement Board, gave an  
23 update on the activities of the Mosquito Abatement District over the past year. The Board is made  
24 up of one representative each from 15 different communities and one representative from Davis  
25 County. The budget for 2008 is just over \$1,600,000.00. In 2007, the District had a windfall due to  
26 the tax imbalance and \$90,000 was returned back to the County. Gary Hatch is the manager of the  
27 District (one of three full-time employees) and there are up to 37 employed during mosquito season.

28  
29 Mr. Hatch briefly reviewed the different species of mosquitos that carry the West Nile virus,  
30 which is a bird disease. Three percent of the cases of West Nile virus result in death. He explained  
31 the types of studies done in Davis County to determine if the disease is present. There were 59  
32 instances of West Nile activity in mosquito traps and 25 instances in sentinel chickens, with two  
33 fatalities in the entire State. Ground and aerial spraying is done to combat the disease and an  
34 education program is conducted for the purpose of teaching citizens how to reduce mosquito-  
35 breeding sites. In response to a question from Councilwoman Holbrook, Mr. Hatch suggested that  
36 the Bountiful City newsletter could include information related to minimizing sources of stagnant  
37 water and planting of fish in ornamental ponds.

#### 38 39 **BID APPROVED FOR ECHO HYDROELECTRIC PLANT** 40 **RESTORATION**

41 Mr. Johnson reported that there was a catastrophic pipe failure at the Echo hydroelectric  
42 plant last February (2007) which has resulted in the need to rebuild the bathroom and closet area on  
43 the turbine deck. Two vendors responded to an invitation to bid on this project and it is the  
44 recommendation of staff and the Power Commission to award the bid to the low bidder, CK  
45 Construction, in the amount of \$61,420.00. This will also include other miscellaneous repairs. This  
46 was not a budgeted expense and will be covered by insurance (approximately \$39,335) and from the

1 Emergency Equipment Fund (\$22,085). Councilman Moss made a motion to award the bid as  
2 recommended, Councilman Knight seconded the motion and voting was unanimous.  
3 Councilpersons Holbrook, Knight, Myers, Moss and Tolman voted “aye”.  
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5 **BID APPROVED FOR CENTRAL SUBSTATION TRANSFORMER PADS**

6 Mr. Johnson reviewed that last September two 22.4 MVA transformers were ordered for the  
7 Central Substation. The first one will be installed this spring and the second one in the fall. Bids  
8 were received for the demolition and construction of the two pads and oil retention basins and it is  
9 the recommendation of staff and the Power Commission to accept the low bid from JMR  
10 Construction in the amount of \$88,000 (\$43,335 for Pad #3 and \$44,665 for Pad #2). Both of these  
11 projects are included in the capital improvement budget– one in the 2007-08 budget year and the  
12 second in the 2008-09 budget. After a brief discussion, Councilman Myers made a motion to award  
13 the bid as recommended and Councilwoman Holbrook seconded the motion. Voting was  
14 unanimous with Councilpersons Holbrook, Knight, Myers, Moss and Tolman voting “aye”.  
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16 **REPORT ON RESULTS OF CITIZEN SURVEY RE: RECYCLING**

17 Mr. Hardy reported that there was a good response on the surveys regarding recycling, in  
18 addition to phone calls from citizens, with approximately 43 percent “For” curbside recycling and  
19 57 percent “Against”. Those who favored the recycling tended to be those who moved here from  
20 other areas, who preferred the convenience of the service, and if presented as a mandatory service  
21 would result in lower costs. Twenty percent of those who responded were from single family  
22 homes. Councilman Moss asked if bids could be requested for service based on time and number of  
23 participants. Mr. Hardy responded to this question, noting that the service is available, but that  
24 those using it generally dwindle in time.  
25

26 The Council discussed the options available for curb-side recycling and requested that the  
27 staff get RFP’s which will include mandatory vs voluntary at various levels of participation. The  
28 staff was also directed to study what other cities have done and the successes/failures that have  
29 occurred in dealing with curbside recycling.  
30

31 **DISCUSSION RE: RAP TAX USE AND DISTRIBUTION**

32 Mr. Hardy reviewed that in November citizens in Bountiful and Centerville passed a RAP  
33 tax (1/10 of one percent), which will be imposed in April 2008, for the purpose of supporting  
34 recreation, arts and parks projects. He referred to information he had given the Council related to  
35 potential sources of public funding which could be used for a South Davis Performing Arts Center  
36 and the levels to which Bountiful, Centerville and the County would participate. He noted that a  
37 major consideration for the Council will be to determine how much of the RAP tax proceeds should  
38 be used for a combined project and how much should be retained within the City for other purposes.  
39

40 Mr. Hardy stated that progress is being made toward developing an interlocal agreement,  
41 which would define the roles, duties, authorities and responsibilities of each of the participating  
42 entities in the South Davis Performing Arts Center and he asked for the Council’s input on this  
43 matter. Following a lengthy discussion, Councilman Moss made a motion that Bountiful participate  
44 in the South Davis Performing Arts Center to the extent of 90 percent of the RAP tax proceeds,  
45 defined by an interlocal agreement, and that the City would use the remaining 10 percent  
46 distribution for local activities and projects of the Bountiful Davis Arts Center. Councilwoman

Holbrook seconded the motion which carried unanimously. Councilpersons Holbrook, Knight, Myers, Moss and Tolman voted “aye”.

**COUNCIL DENIES REQUEST FOR PRELIMINARY SUBDIVISION**

**APPROVAL - CANYON CREEK SBDVN, 1265 E MOUNTAIN OAKS DRIVE**

Mr. Rowland presented the request of Richard Adams for preliminary approval of a one-lot subdivision at approximately 1265 East Mountain Oaks Drive (Canyon Creek Subdivision) and stated that it is the recommendation of staff and the Planning Commission that this request be denied, based on the following findings:

- 1) The site contains a creek which is mapped as a flood zone on the NFIP Flood Plain map and will require a 30-ft. wide easement centered on the creek which will occupy much of the lower portion of the lot.
- 2) Most of the lot contains land in excess of 30% slope, which is unusable for any purpose under City ordinances. The calculated average slope of the land is in excess of 45%, which means that any lot developed on this property must be at least 5 acres in size. At only 2.1 acres, the proposed development is less than half the required 5 acres.
- 3) The proposed development does not contain a minimum 6,000 s.f. building pad area as required by ordinance.
- 4) The areas of 30% slope and greater are inaccurately defined on the proposed subdivision plat; more specifically, there is a 12-15 ft. wide strip running through the middle of the proposed buildable area with a slope varying between 30% and 45% which is not shown, and the south part of the garage portion of the building pad is located on ground that varies between 30% and 40% slope, which also is not indicated.
- 5) The proposed building site would result in a structure and/or earth-fill that would either violate the maximum building height requirement or the maximum allowable fill requirement of the Ordinance.
- 6) No approval has been granted for any previous subdivision with slopes and building pads similar to this one.
- 7) The disparity between what is proposed and what is required by Ordinance exceeds the discretion afforded to the Council by the City Land Use Ordinance.

Richard Adams was in attendance and reviewed that he has owned the lot since 2003. It was originally recorded as two separate pieces of ground and the terrain has been altered by fill which has been dumped on the property. Following a brief discussion, Councilwoman Holbrook made a motion to deny the request based on the findings of the staff and Planning Commission. Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Myers, Moss and Tolman voted “aye”.

**PRELIMINARY AND FINAL APPROVAL GRANTED TO PLAT “M”**  
**BOUNTIFUL CITY CEMETERY**

Mr. Rowland presented Plat “M” of the Bountiful City Cemetery for preliminary and final approval and noted that this expansion includes 290 full or partial lots, with each full lot containing eight individual burial plots (almost 2,000 available burial spots). It is the recommendation of staff and the Planning Commission to grant preliminary and final approval with the condition that a landscape plan be prepared showing the location of trees that will be included. Councilman Myers made a motion to grant preliminary and final approval to the cemetery expansion, as recommended.

1 Councilwoman Holbrook seconded the motion which carried unanimously. Councilpersons  
2 Holbrook, Knight, Myers, Moss and Tolman voted "aye".  
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4 **MAYOR'S ANNUAL TRAINING ON OPEN MEETINGS ACT**

5 Mr. Mahan explained that it is the Mayor's responsibility to train the Council on the  
6 requirements set forth by the open meetings law, and he referred to the memorandum from the  
7 Mayor and himself to the Councilmembers related to Title 52, Chapter 4, Open and Public Meetings  
8 Act. This training and the memorandum are given in fulfillment of this duty of the Mayor. Mr.  
9 Mahan then reviewed the major points of the act.  
10

11 **COUNCIL COMMITTEE REPORTS**

12 Councilman Tolman requested that the Mayor re-appoint the members of the Bountiful  
13 Community Service Commission for another five years and expressed support for Councilwoman  
14 Holbrook serving on this Commission. He also asked about funding for the Bountiful Historical  
15 Commission and if the budget would include a line item. Mr. Hardy noted that funding approved  
16 for the Historical Commission has been tied to a specific project.  
17

18 Councilman Moss requested that there be discussion on emergency preparedness issues with  
19 the police and fire personnel being included.  
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21 The meeting adjourned at 9:30 p.m. on a motion made by Councilman Moss and seconded  
22 by Councilwoman Holbrook. Voting was unanimous with Councilpersons Holbrook, Knight,  
23 Myers, Moss and Tolman voting "aye".  
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JOE L. JOHNSON, Mayor  
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KIM J. COLEMAN, City Recorder  
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